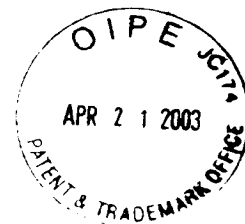




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



are patent application of  
Tarou KANEKO

Serial No.: 09/987,459

Group Art Unit: 2874

Filed: November 14, 2001

Examiner: Wong, Eric K.

For: ARRAYED WAVEGUIDE GRADING WITH OPTICAL INPUT AND  
OUTPUT CHARACTERISTICS SETTABLE TO DESIRED VALUES

Honorable Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO FIRST OFFICE ACTION AND  
RESTRICTION REQUIREMENT AND  
ELECTION OF SPECIES REQUIREMENT**

#15 Election  
March  
4/24/03  
RECEIVED  
APR 22 2003  
TECHNICAL STAFF 2800

Sir:

In response to the Office Action dated March 21, 2003, please consider the following:

**REMARKS**

In response to the Examiner's Restriction Requirement, Applicant hereby elects the invention of Group I (e.g., drawn to a waveguide device as defined by claims 1-16 and 29-42), without traverse. Applicant reserves the opportunity to file a Divisional Application for the non-elected inventions later.

In response to the Examiner's Election of Species Requirement, Applicant hereby elects the species of Species 1 (Figure 3) on which at least claims 1-8, 10, 12, 14, 16, 29-34, 36, 38, 40, and 42 are readable, without traverse. Claim 31 is believed generic to all species. Applicant reserves the opportunity to file a Divisional Application for the non-elected species later.

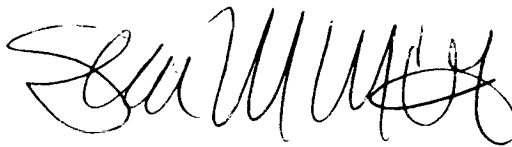
Applicant respectfully requests acknowledgment of the priority document filed on January 10, 2002.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Sean M. McGinn  
Reg. No. 34,386

Date: 4/21/03

McGinn & Gbb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254